

The Promotion and Suppression of Hard Times Tokens

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To find the elusive origin of an important coin or token over 150 years after its issuance is welcome numismatic data. When this occurred with respect to the American Anti-Slavery tokens dated 1838 it is of particular significance because of the present emphasis on securing, safeguarding and studying the civil rights of individuals. The common variety of this token (Low 54, Rulau 81) contains the well known motto AM I NOT A WOMAN & A SISTER surrounding a black woman in chains and thus emphasizes women's civil rights as well as the then goal of freedom from slavery (fig. 1).



A review of the extensive numismatic literature as to American Anti-Slavery tokens discloses much speculation as to their origin and specifically urges further research to reveal their actual background.¹ Their substantial circulation as token money in the United States is well known from the natural wear evident on most pieces.

The location of their origin was initiated by serendipity. An article written by Robert W. Julian revived a portion of a letter dated December 2, 1837, from Robert M. Patterson, Director of the U.S. Mint, to Levi Woodbury, Secretary of the Treasury.² That letter stated in part:

The *Emancipator* of the last week advertises a new emission 'similar in appearance to new cents—nearly as heavy and made of pure copper' for sale at the Anti-Slavery office on Nassau street. They have anti-slavery devices on them.

The Emancipator was published by the American Anti-Slavery Society, 143 Nassau Street, New York City, and began on May 4, 1833, as a weekly newspaper. Its policy stated that "Besides original and selected articles on the subject of SLAVERY, religious, literary, miscellaneous and news items of a valuable character will find place." Charles W. Denison was the publisher in New York City and Joshua Leavitt was its editor. There was also a religious newspaper entitled *The New York Evangelist* which in its issue of January 3, 1835, carried a description and illustration of the British



Emancipation Jubilee Medal proclaiming the cessation of slavery throughout the dominions of Great Britain by Act of Parliament on August 1, 1834. That medal contained a message to the people of the United States by including in its legends A VOICE FROM GREAT BRITAIN TO AMERICA (fig. 2).³ The text of the article describing the medal stated "George Thomson of Britain visited the U.S. to express sympathy in regard to continuation of slavery in U.S. and will furnish counsel, prayers and generous aid in promoting abolition." This illustrated article in *The New York Evangelist* was copied and published intact by *The Emancipator* in its January 6, 1835 issue and the medals were offered for sale at 25 cents each. The sale of numismatic anti-slavery items in America was following a similar pattern set in England (fig. 3).

On November 23, 1837, *The Emancipator* published the following advertisement:

MEDALS

An artist in New Jersey has manufactured some Anti-Slavery COPPER MEDALS, similar in appearance to new



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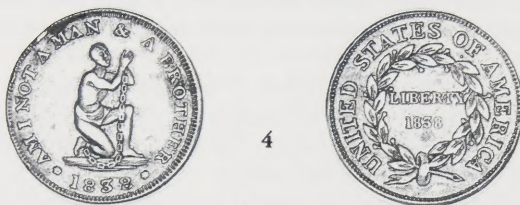
cents. They are nearly as heavy and are made of pure copper. On one side is a female slave, in chains, in an imploring attitude, with the motto, "Am I not a woman and a sister?" The execution is admirably well done. On the reverse side is, in the center, the word "LIBERTY", surrounded by a wreath—and outside, in a circle, "United States of America." These medals can be had at the Anti-Slavery Office, No. 143 Nassau Street in any quantity, at one dollar a hundred which merely covers the actual cost.

It is proposed to make similar medals, with a man, kneeling in chains, with the motto, "Am I not a man and a brother?" The price will be the same. The friends of liberty have it in their power now to put a medal into the hands of every person in the country, without cost, containing a sentiment of immense value. It is a tract that will not be destroyed. If it falls into the hands of the enemy of liberty, he will "read and circulate."

Orders are solicited from all parts of the country, post paid. Newspapers friendly to the cause of liberty, are requested to copy this.

No evidence of the reprinting of the advertisement has been found in subsequent issues of *The Evangelist*. In spite of the offer to other newspapers "friendly to the cause of liberty" to publish the advertisement's content no such insertions have been located. The advertisement clarifies many of the matters concerning the tokens. It gives the date of issue of the female slave token as prior to its actual 1838 dating included on both faces. It points out that the female slave token was prepared by a New Jersey artist. It shows that the American Anti-Slavery Society was primarily interested in the "immense" propaganda value of their use. According to the organization's statement it was only covering their actual cost which included mailing them postpaid anywhere in the United States. The sale price of one cent each was their intended circulating value. Either the coiner or someone else was obviously profiting on the matter.⁴ The 17½ cent price of copper per pound for tokens with a mean weight of 10.26 grams each makes the intrinsic value of the metal in one hundred tokens only 39½ cents.⁵ The tokens are specifically described as medals rather than as money in order to attempt to be lawful, but the admission that they are "similar in appearance to new cents" would have been a harmful admission in a criminal proceeding.

The advertisement also furnishes the first evidence of the background of the 1838 male slave token (Low 54a, Rulau 82).⁶ It



conveys the fact that such a token was “proposed” on November 23, 1837, and therefore its existence has its first historical support (fig. 4). The advertisement indicates the male and female slave tokens had the same sponsor.

As will hereafter be shown the illegality of the issuance of this style of tokens had already been strongly asserted under United States law. The design of both tokens carried a wreath similar to the then current United States cents; the legend UNITED STATES OF AMERICA in circular form was in the same general position as on such United States cents; and the word LIBERTY 1838 in two lines in the center of the wreath was in a deceptively similar position and appearance to ONE CENT in two lines in the center of the wreath on United States cents. In addition to the foregoing, the tokens were virtually the same diameter, weight and thickness as United States cents.

One may therefore draw a logical conclusion from the threat of enforcement of the law. The large issue of the female slave token contains an obvious error in that the N in UNITED is a mirror image, the diagonal stroke of the N improperly rising from lower left to upper right.⁷ This mistake might have been deliberately left uncorrected because of circumstances. Recutting a new die would have cost precious time as would trying to make a correction to an existing hardened die. It was probably determined that time was of the essence and that distribution of the anti-slavery tokens had to be done immediately, or it might be prevented altogether by the enforcement of the law.

The same logic can be used to explain the rarity of the American 1838 male anti-slavery token (Low 54a, Rulau 82). The female token had obviously been struck in quantity first. The female tokens had just begun to be offered for sale to the public. While waiting to see how quickly the sale of the female tokens was taking place and gathering funds from that source to pay for striking a quantity of the male anti-slavery tokens, the threat of law enforcement could well have discouraged the issuers from ordering a substantial production coinage of male anti-slavery tokens.

Four days after the female anti-slavery token was advertised in *The Emancipator*, the following news item appeared in the *New York Journal of Commerce*:

SPURIOUS COPPER COINS — We are glad to see that measures are likely to be adopted to put an end to the high handed business which has been so boldly carried on, of counterfeiting the copper coin. It has been done with all sorts of devices, and to complete the assortment, the Abolitionists have set up the manufacturing of cents with a chained negro on them—and poor fellow, he will remain chained for ever, in spite of any thing his especial friends will do for his deliverance. Some of the market women make a regular business of buying light cents and “no cents” by the quantity, at a discount, and passing them off in place of real cents. The anti-slavery coin we believe, is of full weight. The whole business is doing great mischief, and ought to be stopped forthwith.

The editor was cruelly critical of the anti-slavery cause. He does admit the token is full weight. He refers to the slave on the token as a male, describing the figure as a negro, as a poor fellow and uses masculine pronouns. No female anti-slavery token was mentioned. A male anti-slavery token therefore had been examined, thus proving that at least some examples of it had been struck by November 27, 1837.

A few striking from the male anti-slavery token dies could have been all that were made. Thus there is an answer to the challenge “It has never been discovered as to why Low 54a has remained unknown for over 70 years.”⁸ There was apparently no production coinage and the few examples of the 1838 male anti-slavery token remained unnoticed by numismatists during the nineteenth century. The 1838 American male slave token was obviously adapted from the undated (ca. 1796) British anti-slavery tokens which contained the legends, AM I NOT A MAN AND A BROTHER and MAY SLAVERY & OPPRESSION CEASE THROUGHOUT THE WORLD (fig. 5).



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The identity of the New Jersey diemaker and coiner of the anti-slavery tokens leaves two choices, as the advertisements specifically indicate that the artist and the manufacturer are the same. Two token manufacturers were then in Belleville, on the Passaic River, about three miles from Newark, Essex County, New Jersey.

James G. Moffett of Belleville and New York City was a token maker to whom Alfred Z. Reed attributed Hard Times Tokens designated as Low 29, 112, 113, 125 and 126.⁹ Moffett issued his own store cards giving his New York City address at 121 Prince Street,¹⁰ and thus would probably not have been referred to in a New York City paper as a New Jersey artist.



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John Gibbs of Belleville was the founding member of the firm of Gibbs, Gardner & Co., known as the "Belleville Mint" (fig. 6; Low 150, Rulau 202). Gibbs was born in Birmingham, England, in 1809, and came to America where he joined John Gardner in the production of die struck metal buttons, metal store cards, metal tokens and copper coins for foreign countries. That enterprise obtained its sheet metal from Stevens, Thomas, & Fuller, a brass rolling mill firm situated on the same Belleville property so they could easily work together. William Stevens of that firm was an English trained diesinker.¹¹ Gibbs, having struck the 1833 Liberian one cent token, should have had priority for selection to make anti-slavery tokens. This New Jersey evidence seems to correct a speculation that the "piece was struck by Scoville[*sic*] Manufacturing Co."; an assertion that the dies were engraved by Edward Hulseman who worked in Attleboro, Massachusetts, and New York City and whose initial H is on many Hard Times Tokens; and a comment that the Token was struck by other than Gibbs.¹² The New York City directories from 1837 through 1841 list Hulseman¹³ and for the 1837 directory the information had to be gathered in late 1836. Thus Hulseman could not be the die cutter according to the advertisement in *The Emancipator* naming a New Jersey craftsman. The delicacy of the slave design would indicate a highly skilled engraver (in spite of the lettering error) and thus the English training of Stevens swings the probability in favor of the "Belleville Mint" (Gibbs, Gardner & Co. jointly

with Stevens, Thomas & Fuller) being engravers and makers. The punches and style clearly indicate that the dies for both the female and male anti-slavery tokens were made by the same die cutter and both were dated 1838.

During the same month when the advertisement of the anti-slavery tokens was printed most newspapers in the United States were running extensive accounts, editorials and discussions of the murder of Reverend Elijah Parish Lovejoy (1802-37), a Presbyterian minister in Alton, Illinois. He was the first American martyr to freedom of the press. He had previously been forced out of his pulpit in St. Louis County, Missouri, for being editor of the *St. Louis Times* and the *St. Louis Observer*, both of which continuously published strong anti-slavery material. Thinking that it would be helpful to move from a slave state (Missouri) across the Mississippi River to a free state (Illinois), he transferred his press to Alton, Illinois, where he published the *Alton Observer*. He continued to promote the anti-slavery movement by his powerful diatribes against slavery and inflamed those who supported slavery. His anti-slavery feelings were based upon moral and religious grounds. Each of his first three presses were thrown into the Mississippi River by his opponents and on the arrival of a fourth press a mob set fire to the warehouse where the press was stored when unloaded from a riverboat. In climbing to the roof to extinguish the flames Lovejoy was shot and killed on November 7, 1837. It is a coincidence that during the period of production of the anti-slavery tokens the anti-slavery movement took both a major advance and a major setback from his martyrdom.

The Need for Copper Tokens

As is well known, the suspension of specie payments by American banks on May 10, 1837,¹⁴ resulted in the withdrawal from general circulation of virtually all silver and gold coin and the emergency issue of paper money by individuals, businesses, cities, and counties. Specie promptly sold at a premium. The paper money consisted primarily of fractional parts of a dollar and the lower dollar denominations, being derisively called "Shinplasters," a term which had previously been applied to Continental Currency and other American paper money of doubtful value. Copper U.S. cents and pre-U.S. Mint copper coins, although remaining in circulation, could not fill the need for minor transactions without the presence of U.S. half dimes, dimes and quarters and Spanish and Spanish-American 1/2, 1 and 2 reales. Even the U.S. Mint was sometimes reluctant to disburse cents during the period as evidenced by the following let-

ter to the editor printed in the October 26, 1837 *Philadelphia Public Ledger*:

The Mint — It has been generally believed that our citizens could obtain for gold or silver, coppers from this institution, and until recently such has been the case. Whether the officers are tired of disbursing this latter species of coin, and wish to check the demand for it, we cannot say, but certain it is that they refuse to give "pennies" for silver coin of a less denomination than fifty-cents.

American quarter dollars, on the authority of the "folks inside" alone, are unhesitatingly rejected. Can any body about the Institution answer our queries — Why, and by what right is this course pursued? We pause for a reply.

PECUNIA

Thus the opportunity arose for private interests to coin tokens to fill the need. This was further stimulated because the intrinsic value of the U.S. copper coin was far below its circulating value and there was a reasonable profit available in coining copper tokens of equal weight and size to the U.S. copper coinage. In addition there was an opportunity for business advertising as well as political and economic satire to enliven the faces of the tokens.

The introduction of copper tokens in the fall of 1837 caused comment in the October 4, 1837 *U.S. Gazette* of Philadelphia, describing Low 62, Rulau 20 (fig. 7):

A Currency

We have before us a copper coin, about as large as a cent, which was recently made in Boston. On the one side is the splendid ship CONSTITUTION, with the legend "Webster", "credit", "current", "1834", — On the reverse is the miserable wreck of the ship EXPERIMENT, with the legend "Van Buren", "metallic", — "current", "1837." A painful exhibition of the signs of the times.



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The easiest way to promote the introduction and sale of tokens for circulation was by offering them at a discount. This practice was described in the November 14, 1837 *New York Journal of Commerce*:

Copper Coin — There are great quantities of copper pieces in the market which circulate as cents, but which are not so. They are generally too light; but the worst part of their construction is the bad metal they are made of, and their consequent tendency to become foul. Worst of all, they are a vile debasement of the current coin, by which individuals, very improperly, make a large profit at the public expense, their spurious coins being generally sold by the bushel, at 50 to 60 cents the hundred. They are all stamped with some device other than that of the national cent; for to put on that, would subject the operator to consequences not profitable. It is quite time for the public to refuse this trash altogether. *** We hope that the same course will be pursued with the dirty "no cents" which are attempted to be put forth so plentifully.¹⁵

The distribution of Hard Times Tokens also led to newspaper advertisements or notices, at least in Baltimore and Philadelphia, as well as for the Anti-Slavery tokens in New York.

E.H. Merrill was a Baltimore commission merchant who routinely placed separate newspaper advertisements covering each type of merchandise he had for sale, such as Britannia Tea Pots; silk, wool and fur hats; cork inkstands, boots, shoes and brogans; pins; bone buttons; percussion caps; tape, etc. On October 30, 1837, and for the next two days, he placed the following advertisement in the *American and Commercial Daily Advertiser* (known as the *Baltimore American*):

SPECIE — 1 cask, 15,000 Copper Counters

Just received for sale by E. H. Merrill

No. 24 South Charles st.

The advertisement showed that a newly arrived cask of "Counters" contained 15,000 pieces, but no price was indicated. Assuming that these were copper tokens they would pass for an aggregate of \$150.00 and would have a total weight of about 340 pounds. The use of the word "Copper Counters" would ordinarily mean discs made of copper, struck with a design, intended to be used for counting box or counting board calculations, and better known as casting counters or jetons. No such meaning was actually



intended in the advertisement. The pieces were identified in a Baltimore newspaper comment in *The Sun* on December 2, 1837, as having legends of MILLIONS FOR DEFENCE and NOT ONE CENT FOR TRIBUTE (Such types are known as Low 21-36 [fig. 8], 39, 41-43, 45, 46, 58, 69-71 and 95-97 as well as Rulau 16, 35-60 and 291-93). They were obviously Hard Times Tokens struck either in Waterbury, Connecticut, or Attleboro, Massachusetts, or both.

This use of the word SPECIE in the Merrill advertisement was to draw attention to it. Specie means gold and silver but does not include copper. In the *Baltimore American* of October 11, 1837, Samuel Winchester used the word SPECIE when offering to buy "whole, halves and quarter dollars" at a premium.

The Merrill advertisement was deliberately deceptive and audacious. It is no wonder that the authorities were promptly advised.

The opinion that copper tokens in general were illegal and were cheating the public was published in the November 2, 1837 *Philadelphia Public Ledger*:

Copper Coin — We have received a copper coin of the size and, we suppose, about the weight of one cent; on one side of which is a female head, resembling that of Liberty on the cent, with the neck of a bull and the forehead of an idiot, surrounded by thirteen stars, the figures 1837, and E Pluribus Unum; on the other, "millions for defence" and surrounded by a laurel wreath, the words "not one cent for tribute." Congress has the power of coining and regulating the value of money, and has not only established the coins, and provided for the punishment of counterfeiting them, but, we believe has prohibited the citizen from coining. If so, these copper issues are illegal. There must be some cheat in the case; otherwise they would not be made. We caution the public against them.

This described tokens which are classified as Low 21-36 and 69-71

as well as Rulau 35-51 and 58-60.

In the same period as copper one cent tokens were being promoted there was an advertisement for the Feuchtwanger cent (Low 120 and Rulau 268) in Philadelphia on October 6, 1837, which read:

Money — Cash
GERMAN SILVER CENTS
A FRESH supply just received and for sale by
C.P. WAYNE & SON
4th and Market St.



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Dr. Lewis Feuchtwanger had requested Congress on September 13, 1837, to adopt his "invention" of a metal named "Feuchtwanger's Composition" for U.S. cent coinage in a small more practical size (fig. 9). U.S. Mint Director Robert M. Patterson, on January 4, 1838, wrote Senator Thomas Hart Benton of Missouri, that the material was already well known under the names German silver, argentan or packfong and was impractical for coinage.¹⁶ During the interval Feuchtwanger encouraged publicity for his one cent coinage as indicated by the following inserts in the *U.S. Gazette* in Philadelphia for September 11 and 12, 1837:

ONE CENT PIECES

Dr. Lewis Feuchtwanger, of New York, has issued a German silver penny, milled at the edge; on the one side a fine bold eagle, and the reverse a wreath, with the words, 'one cent', with his name on the circle. It is of the intrinsic value of one cent, and about the size of a dime. They are a first rate substitute for small change. One hundred makes a dollar.

The Cent

A friend called on us yesterday, with a sample of M. Feuchtwanger's coin of "one cent" to which we referred to in our morning's paper. It was a beautiful piece of money, if it may be allowed such title, much more convenient every way than the copper coin; and should silver and gold ever come again in fashion, we think this kind of "cent" would be a very excellent attendant.

A suggestion that Feuchtwanger's cents might be used in place of copper tokens appeared in *The Sun*, Baltimore, October 30, 1837:

Metallic Currency. — The country is flooded with copper medals of nearly the size and weight of cents, most of them bearing devices and inscriptions defamatory of the general government; but many are mere advertisements of goods and wares in copper. There are two manufactories of them in Boston, and a hundred are made for thirty-five cents, affording a very fair profit to the maker. Perhaps an emission of German silver cents might suppress them.

Suppression

With all the publicity about the circulation of Hard Times Tokens, the public officials could not stand by. The advertisement of E. H. Merrill in Baltimore and the sale and circulation of copper tokens in that city caused the following letter to be written:¹⁷

OFFICE OF THE SOLICITOR OF THE TREASURY

November 17, 1837

SIR — The Secretary of the Treasury has referred to this office a communication received from Baltimore, transmitting the enclosed copper coin. It is stated to be a specimen of such as are extensively put into circulation there, and advertised in the newspaper by a commission house, which is retailing them to any one who applies for them. I have to request that you will cause inquiry to be made into the truth of these statements, and if such be the fact, institute proper legal proceedings without delay. The second section of the act of 8th May 1792 provides that "no copper coins or pieces whatsoever, except the said cents and half cents, being those coined at the Mint of the United States, shall pass current as money, or shall be paid, or offered to be paid, or received in payment for any debt, demand, claim, matter or thing whatsoever; and all copper coins or pieces, except the said cents and half cents, which shall be paid or offered to be paid, or received in payment, contrary to the prohibition aforesaid, shall be forfeited; and every person by whom any of them shall have been so paid, or offered to be paid, or received in payment shall also

forfeit the sum of ten dollars; and the said forfeiture and penalty shall and may be recovered, with costs of suit, for the benefit of any person or persons by whom information of the incurring thereof shall have been given."

Very Respectfully yours,

H.D. Gilpin
SOLICITOR OF THE TREASURY

N. Williams, Esq.
U.S. Attorney, Baltimore

The threatened prosecution under Section 2 of the Act of May 8, 1792, as above quoted was a substantial error. The omitted language of Section 2 just prior to the quoted portion required newspaper notices to be published after \$50,000 in U.S. copper coin had been minted in order to make the law effective. This was never done and that portion of the law was never in force.¹⁸ In addition the law was repealed by Section 25 of the Act of March 3, 1825, which specifically defines an illegal piece as being "in resemblance or similitude of any copper coin which has been or may hereafter be coined at the Mint of the United States." However the law also required "intent to defraud"; and this would be a decision for the jury and would have been very difficult for the prosecution to prove, as there was no such intent by either the manufacturer or by those who circulated the tokens. It was an obvious and open money substitute.

Five constables in Baltimore made separate purchases of the copper tokens advertised by E.H. Merrill on October 30-November 1, 1837, and identified each such purchase with their name on the tag. This evidence was used for five separate prosecutions resulting on December 12, 1837, in five fines for \$10 each or a total of \$50. Comments by the press ranged widely. Since the constables were entitled to receive the full amount of the fines personally they were accused of abusing their position. On the other hand the verdict was deemed too light for an influential merchant "above the reach of ordinary pecuniary troubles *** which makes our laws like spiders webs, which allow the large flies to break through while the small ones are strangled and devoured." Others complained in the press that illegal paper money was condoned while prosecution for distribution of copper tokens was enforced. Since the U.S. Post Office had received and paid out the tokens it was suggested that the government prosecute its own agency.¹⁹ Thus the propriety or impropriety of the token affair was somewhat clouded by extraneous

views.

Meanwhile, on November 25, 1837, there was a meeting in New York of bankers from all parts of the United States who, after many differences of opinion, postponed their conclusions as to when specie payments would be resumed. The tokens bearing SUBSTITUTE FOR SHINPLASTERS and the date Novr 1837 (Low 45-48 as well as Rulau 56-57 and 66-67) had been prepared as propaganda in favor of copper token money and confirm the date of the beginning of their distribution (fig. 10).



On December 2, 1837, Patterson wrote the following letter to Secretary of the Treasury Levi Woodbury, outlining that there was an advertisement, sale and distribution of copper tokens in Philadelphia, emphasizing that the laws of May 8, 1792 and March 3, 1835, should be the basis of a prosecution:²⁰

Mint of the U.S.
Philadelphia, Dec 2d 1837

Sir:

An Attempt was made here some time ago to put spurious copper coins in circulation in Philadelphia and they were actually advertised for sale by one of our merchants. The unlawful proceeding was, however, promptly put a stop to; and our District Attorney, Mr. Read, brought the matter before the Grand Jury of the U.S. District Court who after attending to the representations made by Mr. Read and myself, made a presentment upon the subject, which was published in some of the Philadelphia papers.

I find that the same offense has been committed at Baltimore and that you have candid measures to be taken to arrest the evil there.

I now write for the purpose of calling your attention to the great extent to which, as I have reason to believe, spurious copper coins are circulated in New York. A

gentleman has recently brought me from there ten different varieties, some of them such imitations of the legal coins that I think they might be brought under the Act of March 3, 1835 against counterfeiting. All of this comes within the terms of the Act of May 8, 1792, Section 2.

The greater part of these spurious coins are evidently made at the same establishment as they have the same face or the same reverse.

Most of them are very light, some not exceeding three quarters the weight of the cent for which they are passed. The circulators of some of these spurious coppers may be easily found, since they have had their addresses marked on the reverse of the coins — one is Ezra B. Sweet, No. 200 Canal Street, NY — Another is Smith Clock Establishment, No. 74 Bowery, NY — Another is Robinson, Jones & Co. — Another New York Joint Stock Exchange Company, No. 6, Tontine Building, Wall St.

I have just had brought to me the New York Observer of this day in which is the following Statement:

“Immense numbers of spurious Cents are in circulation in this city. The Journal of Commerce says they are generally light and “sold by the hundered (sic) at 62 cents a hundred and that the market women make a regular business of buying light cents and “no cents” by the quantity at a discount and passing them off in place of real cents.” The Emancipator of last week advertises a new emission “similar in appearance to new cents --- nearly as heavy and made of pure copper” for sale at the Anti-Slavery office on Nassau Street. They have anti-slavery devices on them.”

I am told that spurious copper coins are largely in circulation in Boston, but I have no exact information on this point.

The coinage of copper is the only operation of the Mint by which any profit is made; and if this illegal interference with our functions is arrested the profit will be so considerable as very appreciably to reduce the expenses of the establishment.

I am sir vy resp.

R.M.P. Dir

(Dr. Robert M. Patterson)

to Hon. Levi Woodbury
Sec. of Treasy

Patterson continued the prior error of referring to the obsolete May 8, 1792 Act and failed to realize the March 3, 1835 Act only applied prior counterfeiting laws to branch mints. He did not mention Section 21 of the Act of March 3, 1825 (the effective counterfeiting law), and possibly someone was confused by the ten year difference to the day between the Acts of March 3, 1825 and March 3, 1835. The token matter was brought to the attention of the Grand Jury of Philadelphia, where Patterson and the U.S. District Attorney testified. The newspapers gave the matter publicity and according to Patterson the practice was stopped there without any indictments. Actually new issues were stopped, advertising the tokens was stopped, but tokens already distributed continued to circulate.

On December 4, 1837, the Secretary of the Treasury wrote Director Patterson of the U.S. Mint that a letter to the U.S. District Attorney in New York had been written about enforcing the law as to spurious copper coins (the tokens) and that a similar letter would be promptly sent to the U.S. Attorney in Boston.²¹ This spread the warning to the four principal commercial cities of the country, Boston, New York, Philadelphia and Baltimore.

The United States after a substantial delay determined to prosecute the principal producer of Hard Times Tokens, William H. Scovill of Waterbury, Connecticut, and obtained the following indictment:²²

District of Connecticut, S.S.

At the Circuit Court of the United States of America holden at Hartford in said District at the September Term thereof of AD 1838 The Grand Jurors of the United States for the body of said District, upon their oaths present

That William H. Scoville[sic] of Waterbury in the County of New Haven in the District of Connecticut contriving and intending falsely, fraudently[sic], dectieffully[sic], and feloniously to decieve[sic] and defraud Aaron Potter of said Waterbury, at Waterbury aforesaid in the County and District aforesaid on the tenth day of November in the year of our Lord One Thousand eight hundred and thirty seven, with force and arms sixteen pieces of false, feigned, forged, and counterfeit Coin, each and every one of which were in resemblance and similitude of the good, legal and current copper coin of the United States which are coined at the Mint of the United States called "cents" then and there falsely, deceitfully, fraudulently and feloniously did pass, utter, and

publish as true and lawful to the said Aaron Potter, him the said Potter to decieve and defraud as aforesaid, all which doings of the said William H. Scoville[sic] were and are against the dignity and Government of the United States and the peace thereof and contrary to the form force and effect of the Act of Congress of the United States in such case made and so provided and of evil example to other in like manner offending.

Scovill had also coined and issued a copper store card or token of the one cent size advertising his own business (Low 130 [fig. 11] and 130a as well as Rulau 105 and 107) but the indictment was for those pieces he produced which were deceptively similar to U.S. cents.



11



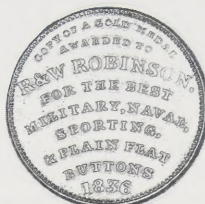
The September 28, 1838 New York *Daily Express* supported Scovill by stating that the copper pieces were made to order and sold as merchandise and not as coin, as evidenced by the legend "not one cent." No answer to the Scovill indictment was filed in court until April 1839, when Scovill posted a \$1,000 bond. Because of the political nature of the prosecution Scovill let the bond forfeit on September 17, 1840, by not appearing. In February 1842, after the Whigs had come to power the case was dismissed by the prosecution.²³

The Litchfield Enquirer (Connecticut) of October 4, 1838, quoting from an article in *The New York Express* about the "not one cent" tokens made by Scovill, stated: "The public at that time demanded almost anything for circulation which would be taken by common consent, as these pieces were."

The production of politically motivated Hard Times Tokens had appeared quickly and ceased in due course. No one was economically harmed to any real extent and the political incisiveness of some of their messages must have been appreciated by those who had a sense of humor, whether Whigs in power or Democrats out of power. The continuing circulation of Hard Times Tokens for many years after their introduction in 1837 seems to have been the basis for Director Patterson on June 26, 1844, inquiring of Crocker Bros.



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& Co. in Taunton, Massachusetts, about comments in various newspapers that “counterfeit pennies worth sixty two cents per hundred” were being made in Attleboro, Massachusetts, and that “half cents in circulation are the Massachusetts issue.” Crocker Bros. & Co. wrote R & W Robinson (Low 103-5 [fig. 12] as well as Rulau 154-56) in Attleboro on July 1, 1844, and received a reply dated July 4, 1844, stating that the latter struck “shop cards” on blanks furnished by Crocker Bros. in 1839 but other than some “Not One Cent” pieces being struck in Waterbury in 1837 there were no such pieces struck in Attleboro or elsewhere in that area to give rise to the rumor. A copy of this reply was sent to Director Patterson by Crocker Bros. on July 11, 1844.²⁴

The U.S. government was apparently satisfied with its action in trying to suppress Hard Times Tokens as expressed by James Ross Snowden, Director of the U.S. Mint, in his annual report for 1854 (dated January 30, 1855), when he inaccurately stated:

The numerous copper tokens of 1837 were openly issued in the exigency of the times, but the issue of a public notice that the law would be enforced against them, immediately put a stop to their circulation.

Appreciation and Delay

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Belgium in 1988, but no publication resulted. Some of the content of the study was informally shared with others prior to its presentation at the 1994 Coinage of the Americas Conference at the American Numismatic Society in New York.

¹ Robert D. Leonard, Jr. and Clyde Keeler, "A Connection Between the 1838 Anti-Slavery Token (Low 54) and the Underground Railroad," *TAMS Journal* 1974, pp. 126-27: "Contemporary documentation regarding this token is lacking and the name of the organization that issued it is unknown....Hopefully further research will reveal the full story of this most interesting token"; Ernest Beerstecker, "The Dilemma of Low 54a, the Kneeling Slave Token," *TAMS Journal* 1979, p. 247.

² Robert W. Julian, "Hard Times Tokens Part of U.S. Legacy," *Coin World*, Feb. 17, 1982; Robert W. Julian, "Politics of 1830s Influenced Designs on Merchants' Tokens," *Numismatic News* Jan. 13, 1987.

³ Melvin and George Fuld, "Anti-Slavery Tokens," *The Numismatist* 1957, p. 397; Melvin and George Fuld, "Anti-Slavery Medals," *TAMS Journal* 1962, p. 42, pl. 8.

⁴ Lyman H. Low, *Hard Times Tokens* 2nd edition (New York, 1899), p. 31 (hereafter Low).

⁵ Beerstecker (above, n. 1), p. 247.

⁶ Edgar H. Adams, "Live American Numismatic Items," *The Numismatist* 1912, p. 204; Fuld 1962 (above n. 3), p. 43, showing punch trials of Low 54 and 54a.

⁷ This error was commented upon by Charles I. Bushnell, *An Arrangement of Tradesmen's Cards, Political Tokens, etc.* (New York, 1858), p. 117; Beerstecker (above, n. 1), p. 245.

⁸ Fuld 1957 (above, n. 3), p. 401; Ernest Beerstecker, "The Genetics of Low 54a," *TAMS Journal* 1986, p. 53. See *The Numismatist* 1988, p. 54 and 1986, p. 401; Russell Rulau, *Hard Times Tokens 1832-1844* (Iola, WI, 1987), p. 25. For the history of the three known 1838 male slave tokens (Low 54a) see Bowers and Merena, Mar. 26-27, 1992 (Dr. Robert Hudson Coll.), no. 45. See also Russell Rulau, *Standard Catalog of United States Tokens 1700-1900* (Iola, WI, 1994), p. 82, citing data provided to Mr. Rulau by the author.

⁹ Alfred Z. Reed, "Hard Times Tokens of the Large Cent Size," *Coin Collector's Journal* 1939, pp. 16, 21.

¹⁰ Edgar H. Adams, *United States Store Cards* (New York, 1929), NY nos. 585, 586 (Rulau 295, 297).

¹¹ Low, p. 57; Alfred Z. Reed, "Biographical Notes on the Presidents of the United States," *Coin Collector's Journal* 1938, p. 18; Thomas Schweich, "Hard Times Tokens, Relics of Jacksonian America," *The Numismatist* 1981, p. 315.

¹² Fuld 1957 (above, n. 3), p. 399; Robert J. Lindsmith, "Edward Hulseman," *TAMS Journal* 1964, p. 117.

¹⁴ This date is found on Hard Times Tokens (Low 47, 48).

¹⁵ *Niles National Register*, Nov. 25, 1837, p. 194; Reed (above, n. 9), p. 19.

¹⁶ Low, p. 48; Edgar H. Adams, "Dr. Lewis Feuchtwanger," *The Numismatist* 1913, p. 297; William J. Schultz, "Why the Feuchtwanger Composition Metal Coins Received Their Knockout Blow," *The Numismatist* 1938, p. 949; *Numisma* Aug. 1956; "Varieties of the Feuchtwanger Cent," *Num. Scrapbook Mag.* 1957, p. 2343; "Feuchtwanger Bid on Making 3 Cent Nickel Blanks," *Num. Scrapbook Mag.* 1963, p. 318; James T. Koutsoures, *The Identification of Feuchtwanger Cents Low 120* (Des Plains, IL, 1981).

¹⁷ *Niles* (above, n. 15), p. 194; Reed (above, n. 9), p. 152; Philadelphia *Public Ledger*, Nov. 25, 1837.

¹⁸ Eric P. Newman, "Circulation of Pre-U.S. Mint Copper Coins in Nineteenth Century America," *America's Copper Coinage, 1783-1857*, COAC Proceedings 1 (New York, 1985), p. 103.

¹⁹ *The Sun* (Baltimore), Nov. 28, 1837; Dec. 2, 1837; Dec. 16, 1837; Dec. 20, 1837; Dec. 22, 1837.

²⁰ U.S. Archives, Mint Correspondence, 10E1/19/8, Transfer Box 27; Julian (above, n. 2), p. 81.

²¹ See above, n. 20.

²² Ms. in ANS Library, New York.

²³ Edgar H. Adams, "J.M.L. & W.H. Scovill," *The Numismatist* 1912, p. 233; Reed (above, n. 9), p. 19.

²⁴ U.S. Archives, Mint Correspondence, 10E1/19/8, Transfer Box 35.

